

### **REMARKS**

The interview with examiner Joseph F. Edell on July 15, 2005 is acknowledged with appreciation. The examiner's interview summary is accurate as to what transpired at the interview. At the interview there was discussion of whether it would have been obvious to one of ordinary skill in the art to extend the flanges (portions on either side of groove 101, see Fig. 1B of Lemmeyer et al.) upward and/or downward in the embodiment of Fig. 1 of Lemmeyer et al.

Lemmeyer et al describes the connection of armrest 16 to the backrest 14 as follows:

Referring first to FIG. 1B, the first mounting surface comprises an inner surface 100 of a groove 101 formed at the first end 19 of the cantilever arm 16. The groove 101 is generally U-shaped in cross section. The U-shaped groove 101 opens in the direction of the first end 19 and extends from a top surface 104 of the cantilever arm 16 to a bottom surface 106 of the cantilever arm 16. Turning to FIG. 1A, the second mounting surface 102 comprises an exterior surface of a tongue 110 formed in a recess at each side 20 of the backrest 12. The tongue 110 may be recessed from a forward facing surface 118 of the backrest. The tongue 110 has a height that is substantially equal to the height of the groove 101 in the cantilever armrest 16. When the groove 101 is channeled over the tongue 110, the top and bottom surfaces 104, 106, respectively, of the armrest 16 abut upper and lower shelves 112, 114, respectively, surrounding the tongue 110. In addition, the length of the groove 101 is substantially equal to the distance from the rear shelf 116 to the forward facing surface 118 of the backrest 12. Once the tongue-in-groove attachment has been made between the grooves 101 in the cantilever armrests 16 and the respective recessed tongues 102 of the backrest 12, fasteners, such as bolts, rivets, or other conventional fasteners, are channeled through holes 120 in the cantilever armrests 16 and corresponding holes 122 in the recessed tongues 110. When the cantilever armrests 16 are attached to the backrest 12, the armrests 16 are in parallel alignment with the seat portion 14. The grooves 101 and tongues 110 may be configured, however, so that the armrests 16 are positioned at a slight upward or downward angle relative to the seat portion 14. (Lemmeyer et al. at column 5, line 55 to column 6, line 17).

As described in Lemmeyer et al, the back end of the cantilevered arm around the U-shaped groove 100 has a top surface co-planer with the top surface of the cantilevered arm and a bottom surface co-planer with the bottom of the cantilevered arm and wherein the bolt locations 120 are located on the arm one below the top surface and one above the bottom surface. There is

no advantage in extending the backside U-shaped portion of the cantilevered arms of Lemmeyer upwardly and downwardly from its cantilevered arms so as to allow for the upper bolt to be above the top of the armrest and the lower bolt to be below the armrest. As described in Lemmeyer et al. "top and bottom surfaces 104, 106, respectively, of the armrest 16 abut upper and lower shelves 112, 114, respectively, surrounding the tongue 110." Thus, the top flange surface 104 against the shelf 112 and the bottom flange surface 106 against the shelf 114 provide a mechanical advantage that would be lost if somehow the flanges were to be extended upwardly. Extending Lemmeyer et al's flanges upwardly would destroy, at least in part, some of their function (the mechanical advantage) and thus such would not have been obvious. Nothing in Conrad changes this conclusion with respect to modification of Lemmeyer et al.

It is applicant who teaches why one should have the extended support mounts above and below the arm, since the rigidity in the vertical and horizontal directions for applicant's cantilevered arms is caused by these extended mounting bracket areas. There is no teaching in the prior art for one skilled in the art to make the modification proposed by the Examiner and such is rather illogical considering the structure of Lemmeyer and can only be considered a "hindsight" reconstruction of Lemmeyer to meet applicant's claimed terms and as such, is improper under 35 U.S.C. 103.

The above discussion is relevant to the rejection of claims 2, 6, 25 and 27 and is not repeated in the remarks below describing other differences between the claims and prior art.

Regarding claim 2, neither Lemmeyer et al or Conrad teach or suggest a first fastener coupled to the support mount above the top surface of the arm and a second fastener coupled to the support mount between the armrest and the seat bottom. Lemmeyer et al's fasteners are not above the arm nor between the armrest and the seat bottom. Conrad's fasteners are only above the arm.

Claim 6 now states the first fastener extends through the inner and outer flanges. Neither Lemmeyer et al or Conrad teach or suggest a fastener that extends through inner and outer flanges.

Claim 10 requires a fastener coupled to apertures in the support mount and apertures in the seat back. Conrad does not teach or suggest a fastener that extends through apertures in the support mount and apertures in the seat back.

Claim 13 recites a load support panel arranged to engage a ridge of the seat back to block pivotable movement of the cantilevered armrest toward the seat bottom about a pivot axis established by the first fastener above the top surface of the arm. Neither Lemmeyer et al, Conrad or Walker teach or suggest a fastener axis and load support panel arranged as recited in claim 13.

Claim 15 recites a planar load support panel arranged so that only an end engages a ridge of the seat back to block pivotable movement of the cantilevered armrest. Neither Lemmeyer et al, Conrad or Walker teach or suggest a planar load support panel arranged as recited in claim 15.

Claim 25 recites means for fastening the support mount to the seat back above and below the arm and on a side of the side edge to support the arm in a cantilevered position to stabilize the arm against up and down as well as sideways movement. Forwardly facing side edge (16, 18) is shown in the drawing (e.g., Fig. 1) and the fastener (88,89) couples to a side of the side edge. This means for limitation is in 35 U.S.C. 112, sixth paragraph, format. The structure shown in applicant's disclosure which performs the stated function is not taught or suggested by Lemmeyer et al or Conrad.

Claim 27 requires a first fastener coupled to upper wings and the seat back and a second fastener coupled to lower wings and the seat back. Neither Lemmeyer et al or Conrad teach or suggest such upper wings, lower wings and fasteners.

Claim 1 remains canceled without prejudice or disclaimer of the subject matter therein.

In view of the above, it is submitted that all of the claims (Nos. 2-31) are in condition for allowance and such action is, respectfully, requested.

If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-67618).

Respectfully submitted,

BARNES & THORNBURG

A handwritten signature in black ink, appearing to read "Richard B. Lazarus", written in a cursive style.

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